

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	COLLIER/CARTER
)	
v.)	CASE NO. 1:01-CR-57
)	
JOHN WINTERS)	

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on August 3, 2010, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer Bobby J. Byars and the Warrant for Arrest issued by Chief U.S. District Judge Curtis L. Collier. Those present for the hearing included:

- (1) AUSA Perry Piper for the USA.
- (2) Defendant JOHN WINTERS.
- (3) Attorney Lloyd Levitt for defendant.
- (4) Deputy Clerk Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

The defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with his attorney. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

AUSA Piper moved defendant be detained without bail pending his revocation hearing before Chief U.S. District Judge Curtis L. Collier. The defendant waived his right to a preliminary hearing.

Findings

- (1) Based upon the waiver of preliminary hearing and the sworn Petition, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged or set forth in the Petition.
- (2) The defendant has not carried his burden under Rule 32.1(a)(c) of the Federal Rules of Criminal Procedure, that if released on bail he will not flee or will not pose

a danger to the community.

Conclusions

It is ORDERED:

(1) The defendant shall appear in a revocation hearing before Chief U.S. District Judge Curtis L. Collier.

(2) The motion of AUSA Piper that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Collier is GRANTED.

(3) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Collier on **Thursday, August 19, 2010, at 2:00 p.m.**

ENTER.

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE